

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2315 OF 1993

M/s.Standard Meter Mfg. Company
Sr. No.9, Hadapsar, Pune - 411 028 ... Petitioner

V/s.

1. Shri Manjit Singh
Regional Provident Fund Commissioner
for Maharashtra & Goa, Office of
the Regional Provident Fund Commissioner
S.No.47, Plot No.1, Pune-Satara Road
Pune - 411 009

2. The State of Maharashtra ... Respondents

Mrs.Meena H. Doshi for Petitioner
Mr.Suresh Kumar for Respondent No.1

CORAM: SMT.NISHITA MHATRE, J.
DATED: AUGUST 12, 2005

ORAL JUDGMENT:

. The Petition challenges the levy of damages on delayed payments of provident fund contributions by the Petitioner. According to the Petitioner, there is no rationale in the quantum of damages imposed by respondent No.1 for the delayed payment of contributions from October 1977 to October 1999.

2. Heard advocates. On a perusal of the impugned order dated 23.4.1993, it is obvious that the damages have been imposed at various rates ranging from 2% to

100% per annum. The damages levied are not relateable to the delay caused in payment of the contributions. Damages at the rate of 100% have been levied for a delay of a short period while a delay in payment of contributions for 4 months attracts a levy of 30% or 60%.

3. Reliance is placed on the judgment of this Court in *Union of India v/s. Super Processors*, 1993 I CLR 457 where the Division Bench of this Court had in a similar situation directed the RPFC to redetermine the quantum of damages and to levy the damages in accordance with clause 32A of the Scheme.

4. A similar order has been passed in Writ Petition No.866 of 1992 on July 15, 2005 directing the RPFC to recalculate the damages in accordance with clause 32A where the damages which can be imposed ranging from 17% to 37%.

5. The Petitioner shall, accordingly, make a representation within eight weeks from today to the RPFC, Pune who will decide the representation of the Petitioner in accordance with the judgments in *Union of India v/s. Super Processors (supra)*, *K. Streetlite Electric Corporation v/s. R.P.F.C., Haryana*, 2001 II

CLR 314 and other relevant case laws. This exercise shall be completed by the RPFC, Pune after affording a hearing to the Petitioner, within six weeks thereafter. The Respondent shall not take any coercive action during the period when the matter is being heard and for a period of four weeks thereafter.

6. With these directions, Writ Petition is disposed off.